

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIM EDWARD ROGERS,

Plaintiff,

v.

COUNTY OF SACRAMENTO, et al.,

Defendants.

No. 2:24-cv-00387-DAD-SCR

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S MOTION TO PROCEED *IN*
FORMA PAUPERIS AND PLAINTIFF'S
MOTION FOR A TEMPORARY
RESTRAINING ORDER

(Doc. Nos. 2, 3, 15)

Plaintiff Kim Edward Rogers proceeds *pro se* in this action brought pursuant to 42 U.S.C. § 1985(3). The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 27, 2024, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) be denied because it was determined that plaintiff had sufficient monthly income and declared funds in cash or a checking or savings account to pay the required filing fee in full. (Doc. No. 15 at 2.) The assigned magistrate judge also recommended that plaintiff's motion for temporary restraining order (Doc. No. 3) be denied because plaintiff failed to establish any likelihood of success on the

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merits, and, to the extent he alleges that defendants have violated a bankruptcy stay, the court lacks jurisdiction. (Doc. No. 15 at 4.)

Those pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 4–5.) On September 9, 2024, plaintiff filed his objections. (Doc. No. 16.) However, the objections in large part cite various Supreme Court decisions without any apparent specific application to plaintiff’s pending motions. (*Id.* at 3–6.) Accordingly, the objections provide no basis upon which to reject the assigned magistrate judge’s pending findings and recommendations.

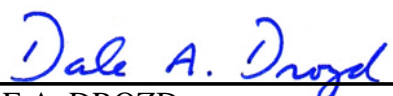
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis.

Accordingly,

1. The findings and recommendations issued on August 27, 2024 (Doc. No. 15) are adopted in full;
2. Plaintiff’s motion to proceed *in forma pauperis* (Doc. No. 2) is denied;
3. Within thirty (30) days from the date of service of this order, plaintiff shall file an amended IFP application listing his current income and expenses for the court’s consideration should he have additional financial obligations that were not stated in his affidavit, or plaintiff shall pay the \$405.00 filing fee in full in order to proceed with this action;
4. Plaintiff’s motion for a temporary restraining order (Doc. No. 3) is denied; and
5. This matter is referred back to the assigned magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: September 10, 2024


DALE A. DROZD
UNITED STATES DISTRICT JUDGE

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